



Halifax Planning Board Meeting Minutes September 15, 2016

A meeting of the Halifax Planning Board was held on Thursday, September, 2016, at 6:30 p.m. at the Halifax Town Hall, Meeting Room #1, 499 Plymouth Street, Halifax, Massachusetts.

Members Present: Gordon Andrews, Chairman
Larry Belcher, Vice-chairman
Mark Millias, clerk
Karlis Skulte, member
Jonathan Soroko, member

The meeting was called to order at 6:33 p.m. and the agenda was read into the record by Gordon Andrews

MOTION: Mark Millias to accept the agenda as read
SECOND: Karlis Skulte AIF

Appointments:

6:30 p.m. Site Plan Review: Paul Reed, 894 Plymouth Street

Paul Reed, present:

(Mr. Belcher arrived at 6:36 p.m.)

Mr. Andrews: Have you filed with the Building Inspector as far as what is going to go in.

Mr. Reed: It's going to be empty bays right now, I don't know who I'm going to rent to as units as tenants. I'm taking one as Bay State Alarms, the other are going to be offices with overhead doors, plumber, electrician. One unit at the end is going to have a parts store. Kirby Ins. is possibly going to go in.

Mr. Andrews: No matter what goes in there, you're going to have to go to Zoning to get it okays, so it doesn't extend over the requirement for parking, because our regulations we have them based on the business' that go in, and the amount of employees.

Mr. Reed: Ok, I only have 3.

Mr. Andrews: and three rental units.

Members discussed the parking schedule, which is based on retail. 4 extra spaces are provided.

Discussed possible conditions based on hours of operation, signs would need approval of the Zoning Enforcement Officer, drainage maintenance schedule.

Motion to approve the site plan with conditions being: the individual business' need to return for additional site plan review, parking requirements, number of employees, hours of operation, and individual sign approvals. Storm water management system to be maintained in accordance with the Operation and Maintenance Schedule included in the Drainage Report and Calculations prepared by Webby engineering dated July 11, 2016. Lights should coincide with hours of operation. Outside sales or flea markets are prohibited.

MOTION: Karlis Skulte
SECOND: Larry Belcher AIF
Abstain: Mark Millias (unable to vote)

6:45 p.m. Site Plan Review: 314 Plymouth St. R&J LLC, Country Club LLC.

Present: Brian Hughes (standing in for Ed Brennan) Atty. for applicants, Larry Silva, Silva Engineering.

Concerns sent out to Amory for review, resolved all outstanding issues that are before this board, still believe it is a good project and ask that you approve the site plan. Mr. Hughes briefly went over the general aspects of the site.

Mr. Hughes: I want to clarify; there is an 11 acre parcel that is going to be conveyed to this property once it's approved in order to make the 16 acre for 16 units. I know back and forth there was some dispute as to whether or not it was going to be, these units were going to be deeded over to the country club or, if we look at the overall plan, this parcel.

Mr. Silva: It's still going to be deeded to the Country Club, but that is the area that will be designated to conform to the requirement of the 16 acres. Instead of saying the entire country club meets that requirement; we're showing the area within the country club that meets this requirement. It's just an identification, it's not a parcel that's taken out or anything. The land associated with this becomes part of the country club parcel, and that's the way it stays. The difference will be is this part of it will stay in recreational use, and the part that we're bringing in will be residential component. There is some restriction on the country club parcel for recreational and open space use. Which includes drainage and stuff like that, but it doesn't allow for structures be actually physically on the lot. But it is going to be part of the country club parcel.

Mr. Skulte: our understanding before that this would be a physical lot recreating and joined with this one as a separate one.

Mr. Silva: That is not true, there is a requirement in your bylaws to have 1 acre per unit.

Mr. Andrews: Right now we have separate lots that are not connected to the country club, that are going to be connected.

Mr. Silva: They are going to be connected upon approval of the project, and then it will be conveyed from R&J LLC to the Halifax Country Club so that it's all in one. That's the way it is going to be carried forward.

Mr. Skulte: So when it is all said and done it will be the 100 something acres.

Mr. Silva: That's right, of that it will be associated with this section in here, which will be meeting the requirement of 1 unit, 1 acre. If I could I'd like to go through the items that were still outstanding at the time, In the letter he sent to you, September 7, the items that were still to be dealt with, (read from letter, responses in italic:) The August 18th response letter indicated that the 11.38 acre parcel will be conveyed to the project parcels, however the Sept. 1st response letter indicates that the land of R&J LLC project parcels will be joined to the Halifax Country Club upon approval of the project. Further down on # 7; the issue about the lanterns, we have addressed the issue about the driveway lanterns and are shown on the revised sheet 6 & 7. No. 8 was the one where there was an issue of a drainage easement shown on the revised plans, his comment was that it was unclear as to which property will be conveyed, we assume that with the conveyance either way an easement will not be requirement for the storm water septic components. Once it's conveyed over, there is no need for easements, because you can't grant an easement to yourself. It will all be under Halifax Country Club. Under roadway section of it, we have engaged the traffic consultant, to look at the proposed intersection. You have that technical memo from him, he said it's not unusual to have that kind of an offset, if it was in the other direction, he said it would not be problematic, but it would be more of a concern in terms of the design, the way it's offset it's not an issue in terms of design. On #2, you asked about centerline grand and

that's now included in the revised plans. We addressed the vertical concrete curbing, which is shown adjacent to the sidewalk on the plans. Also, related to the sidewalks that we addressed a portion of the sidewalks that is not proposed on the revised plans. On the utilities and storm water management that we addressed the plans and calculations were revised for the changes that were made. We addressed the gutter in this and were shown on the revised plans. We addressed #4, that we addressed the septic tank by relocating it on the revised plan. We addressed the water main as shown 5 feet off the property line and guardrail on the revised plan. In his letter, we felt that we came to an agreement that we had addressed the issued that he had outlined. We don't know procedurally if it's an approval or recommendation to the ZBA? That's what we're trying to do in order to get back to the ZBA in order to address the frontage issue. For the record Mr. Joseph Peck is with us this evening.

Discussion continued with regard to the offset at the intersection. Mr. Silva again stated that the traffic engineer advised it would not be problematic. It was also discussed that the lights/intersection would fall under local control. Curb cuts also are not under MassDOT control. Curb cuts will be done by contractor and not the state.

Mr. Skulte: The Intersection will be under signal control also leaving the site. What do you anticipate doing for the signalization. Where are you going to put the lights and the signals, is it going to be on the Stop & Shop side, similar to the view you get when leaving.

Mr. Silva: Same kind of view you would get there. From your point of view, you would just condition that specific design or any changes to it, either physical changes, for where lights are going or any structures, or any timing sequence that come before you, before it is implemented for your endorsement. Maybe, a joint discussion with Highway. (Highway has control after Stop & Shop turned over) Those would be done as part of a specific signalization plan that would come in to be approved.

Mr. Andrews: You will take the expense to design.

Mr. Silva: Yes it has to be the developer expense.

Mr. Andrews: There has to be another signal head there, because there is only one way up there now.

Mr. Silva: It's part of the project.

Mr. Skulte: But you don't how it on the plan, it that because fully developed yet.

Mr. Silva: It has had a detailed traffic signalization change to it. They need to do a traffic count to make sure they know how they are going to change it. It works in conjunction with the next one (light). I would suggest that would be a condition of any approval by this board that it is provided to you at that time.

Mr. Skulte: Does Mass Highway have to actually make the modifications to the signal timing, or project development team.

Mr. Silva: Project development team usually is what controls that. As long as it's acceptable to local approval.

Mr. Skulte: Imagine you're doing accessible curb ramps and I know you have to do an odd intersection because of the poles and landscaping there. So where you cross here, where its setback instead of crossing at the actual return here, you're doing curb ramps.

Mr. Silva: On the radius themselves, a 45 degree coming in there

Mr. Skulte: Are You're going to strip a crosswalk?

Mr. Silva: Yes. It's not a signalized crossing at this point, but it will be provided for crossing.

Mr. Skulte: One thing I saw on here it Conservation Commission on the August 17th, there is a 50' foot no touch area in Halifax?

Mr. Silva: There is a 50' foot no touch in Halifax, which required that when some of that gets built it has to ask for a waiver of dimension from the structures. That is only, effects the last unit on the right.

Mr. Skulte: Everything else here is outside that 50'?

Mr. Silva: the wetland line is here.

Mr. Skulte: You guys show a 25' no touch buffer.

Mr. Silva: that's what we're showing for what we're looking to provide is the 25' to here. So when we go in there, to build this one out, and to do some of this grading here, without having to do a retaining or something like that would have to be, to grant that 25'. We had preliminary discussion with them about the 25' and it didn't seem like it was going to be a major issue. But I understand anything that you do is still condition upon any other permits. Any change as a result of that would have to come back before you.

Mr. Soroko: that extra added land that you're deeding out to make the acreage. Is every buyer of the condo unit going to have a slice of that?

Mr. Silva: No, they basically, depending on how it's actually laid out, their structure, and they have exclusive use area around their area and there will be a common use area of the other land that is within the residential component. So that will be a general use just for the condo association. But as far as the golf part of it that would not be part of theirs as far as the use. The common use is only associated with the actual residential part, mostly the roadway areas, parking areas.

Mr. Skulte: generally the existing 5 acre parcel.

Mr. Silva: The sixteen acres is really not used by them, but it's shown as being the area it has got to satisfy the 1 acre requirement. In essence, we have a lot more than that, because it's going to be joined with Country Club. We don't want to complicate that joining of it so that we want to designate a specific area.

Mr. Millias: Typically it would be deeded inside all air rights inside and each person would get 1/16th of all remaining land, Correct, a condominium deed.

Mr. Hughes: It's different, it's the common area subject to the master deed everyone owns the whole, it's not 1/16th.

Mr. Millias: The usage for the outside.

Mr. Hughes> Generally speaking it would be common area would be able to be used by everyone, but if that 11 acres is not included in the master deed as part of the condominium common area then they wouldn't have any rights to use it.

Mr. Silva: It's part of the association's right to encumber it, as part of this here, but not a physical use of it. If there were a replacement septic system or something that may occur within that 16 acres in the future and still maintain its use of the golf course. Then that's the kind of thing that might occur there, that's the only thing that could possibly occur there. But it's not like they have the right to go walk out on the fairway.

Mr. Millias: Would they not if they bought the condominium.

Mr. Hughes: No, that's all laid out in the master deed that tells them what they can and can't do, that has to be drawn up in any association documents.

Mr. Silva: Easements, the way they're written in condo law, they are very specific about where you have a right to go and where you don't.

Mr. Peck: Even those houses on country Club Dr., their property line goes out into the fairway, the easement says you can't, it's just to satisfy the acre to build.

Mr. Millias: As long as you can distinguish the difference legally, I guess that's not up to us.

Mr. Silva: And those are even condo's, their actual homes on lots, that was there, but granted easements. They'll deed back and easement for using a piece of their land.

Mr. Andrews: ok, so any other questions. So you are looking for tonight is a recommendation from the Planning board.

Mr. Hughes: A site plan approval is what we are here for.

Mr. Silva: I don't know if you actual vote of approval of the site plan or is it a recommendation of the site plan acceptable to the Zoning Board.

Mr. Hughes: Actual approval.

Mr. Andrews: it will all be subject to going thru Conservation and everything.

Mr. Silva: That's correct.

Mr. Hughes: Zoning board is next.

Mr. Silva: We have to satisfy Board of Health, Conservation, obviously ZBA has to vote on the variance and so forth.

Mr. Skulte: Now is it our purview or Zoning Boards purview on the legalities of all that, as it applies to the intent of the 16 acres?

Mr. Andrews: We are not issuing a Special Permit for that, we're doing the site plan.

Mr. Skulte: Basically the design, the engineering design to make sure it to the Zoning Regulations.

Mr. Andrews: Right.

Mr. Hughes: Yes, but under zoning is, they wanted the site plan approved first before they take up the issue.

Mr. Silva: That's why they differed taking action on the variance. The variance is actually, I don't want to say unrelated to the site plan, and it's minimally related to actually what you're looking at. You're looking at the bigger picture with the site plan. They are looking at, really there's a frontage variance. Which, I still have the mindset that there isn't a variance requirement, because once you join it then, it has all the other frontage that the Country Club has. But the access, the access of the frontage is really the issue, because in your definition of frontage, it doesn't say that you have to have your main access thru it, but it does say that the frontage has to be accessible. That you can access thru the frontage. It's kind of funny wording, so we felt it was better just to go for the variance for the frontage to make sure it wasn't a different interpretation on your part.

Mr. Skulte: Are these other things that are noted in the Amory report also variance that you have to go for, like the 30' vegetated buffer?

Mr. Hughes: No, the only variance sought if for frontage and a Special Permit being sought for Multifamily.

Mr. Silva: There was a discretion for whether or not the petition to them needed to be amended or not as related to that retaining wall. We don't, Ed was trying to see whether or not we needed to do that. If we need to do that, we are just going to advertise as a separate item to be read on that same 17th. It says structures, it goes back to the definition of structures. Does seem to include or could be construed as included a retaining wall. So a retaining wall there might be something that needs to be a separate vote for them to do it, unless there's a way for them to just waiver it.

Mr. Hughes: I don't think the interpretation is whether or not the retaining wall constitutes a structure yet, so we have concluded if we need a variance.

Mr. Skulte: Is that the same deal as looping of the water main.

Mr. Silva: No, there's a requirement to do water testing, and if the water pressure and available, fire (suppression) is not adequate for the project. It's the water department that will suggest what has to be done. But looping is not what planned for the project at this time.

Mr. Skulte: So, I agree, but I guess, that they're saying that because it is a zoning requirement that it be looped, that you need a variance. So you disagree with that.

Mr. Silva: I don't, that's a technical provision as opposed to a dimensional requirement. I don't believe that that is a, what number is that.... #5. We requested it as a waiver for the requirements of a looped water main And his opinion is that he thinks that it might be a requirement of a variance. We don't necessarily agree with that.

Mr. Hughes: It is also up to ZBA to determine what has to go before them for a variance and what can be waived.

Mr. Silva: they will have the benefit of what this comment was and if they are not comfortable with that....

Mr. Belcher: Wasn't there originally a document that had the Water Dept. said there wasn't a need for a loop. Back when this first started.

Mr. Silva: We're saying it's a waiver, but he's suggesting it's a zoning requirement, so therefore it's a variance not a waiver.

Mr. Hughes: Next week, we'll be finalizing if we need any additional variances based upon the back and forth from the engineers. We still have ample time to advertise for this week.

Mr. Skulte: No one is reviewing it for the Zoning Board., it's just Amory for the Planning Board to review.

Secretary: They are going off our reviews.

Mr. Andrews: Any more discussion?

Mr. Millias: I would suggest, only because I agree with Amory, that the MassDOT permit would be required for the driveway cut. Just letting you know that that might be something worth looking into.

Mr. Skulte: For what it's worth, I agree with Mr. Silva, I looked it up too, it's not Mass DOT jurisdiction. So yes there is not over site or review authority that they have.

Mr. Millias: It's just my opinion from the past I've seen the state usually does the curb cuts.

Mr. Silva: They do them on the ones that they have jurisdiction, it's not state control.

Discussion continued as to who would have jurisdiction, and roads laid out by the state but have local control.

Mr. Skulte: For discussion purposes I have no questions or problems with the design as it were, my only question is whether or not the intent of the 1 acre per unit requirement might meet the legality of it. So, I don't know where that puts us, because they'll have effectively, essentially have $\frac{1}{4}$ acre per unit, instead of the 1 acre per unit.

Mr. Peck: How is that much different than what happened on Country Club Dr.? Where 1 person has probably more give or take or $\frac{3}{4}$ acre.

Mr. Skulte: I don't think it is different, it's the same situation as what is going on there. Where you have the legal area, you have a legal parcel.

Further discussion of legal parcels.

Mr. Andrews: The only other thing on the traffic, would need a traffic engineer to coordinate that intersection.

Mr. Silva: To coordinate the signal changes

Mr. Andrews: We'll get that to review before that is done.

Mr. Silva: That's correct. Make that a condition of the approval that we will come with that, at that time.

Mr. Andrews: As far as drainage and all that, you have a plan for maintenance. Make it a condition that you adhere to that.

Mr. Silva: That is correct. It goes to Conservation to, and they have even closer scrutiny as far as it relates to adherence to the maintenance of storm water management.

Mr. Belcher: Maintenance of the old lot is going to be under association, sanding, salt removal, snow removal. That's all going to be.

Secretary: This is going to remain a private way, not accepted by the town?

Mr. Hughes: Right, it will be owned by the Association, responsible for everything, all maintenance.

Mr. Andrews: I will ask what the feeling of the Board is, for approval.

Mr. Skulte: I'm inclined to approve, we just need to figure out the conditions are, obviously it would be subject to the Zoning Board, and everyone else's approval.

Mr. Belcher: I think we have a pretty good outline of the conditions here. I'm leaning on approval myself. It's interesting the way it works, but it works.

Mr. Andrews: I'll entertain a motion to approve.

Make a motion to approve site plan review for 314 Plymouth St., Assessors Map 63 lot 6A and lot 31. Assessors Map 73 lot 5, plans latest revision date of September 1, 2016. With the following Conditions that they will return for the review of the traffic lights, signals. This will also be based on the approvals of all the other Boards. It will remain a private way to be maintained by the Condominium Association, for snow removal, trash removal, sanding grading, drainage, everything.

MOTION: Larry Belcher
SECOND: Karlis Skulte AIF
Abstain: Mark Millias (unable to vote)

[Mr. Skulte: When you say returning, you just mean coordinating with the Highway Department and other appropriate Town staff. Mr. Andrews: If we bring the recommendations from the Highway Engineer back and we review those. Mr. Skulte: as it relates to the signal timing. Mr. Andrews and the layout of that. Mr. Silva: The responsibility would stay here, you'd bring in comments from where ever else you needed. Mr. Andrews: And we can send you over to Highway, let them make the comments, but it can run thru here. Discussion regarding a vote later, we would have to vote on modifications of the traffic, or approve them.] Mr. Silva: that would be a compliance with that condition of the approval.]

Discussion: Heron Road.

Board asked for Mr. Silva to stay for a brief discussion regarding Heron Rd and the issue at hand with the driveway approach located at 4 Heron Rd. Basically the board feels if he (SLT) correct then one driveway is right and the other 3 incorrect. He is not holding the water on the other 3. In the Boards opinion, he can either make the one the same or bring the other 3 up to that one. A \$650.00 expense should not be holding up the acceptance of the road. The Planning board will send a letter back to Mr. Springer, received the letter we see your point, you're saying the driveway of complaint is properly installed, the other three are not, bring the other three up to that. Mr. Soroko commented that he has driven down the Heron Rd subdivision and he does not appear that Mr. Springer is maintaining the road at this time. Members reviewed the plan for the subdivision. Shows driveways, so they should be the same, and none of the lots are showing grading. The cape cod berm is shown, but no opening on the typical section. Mr. Skulte noted that there are catch basins before it gets to the end of the cul-de-sac so it is picking up most of it.

Secreterial:

All members signed for the state ethics.

Discussion:

Autumn Ln. update/report from Merrill Assoc. that the top coat has been completed. Mr. Andrews will go out to take a look at it.

Mr. Millias brought to the attention for the board that the Hollywood East seems to have taken out their handicap space and has placed some mulch and landscaping with a car parked in front.

Bills:

Motion to approve bill for Silva Engineering, invoice # 18053 in the amount of \$250.00

MOTION: Larry Belcher
SECOND: Mark Millias AIF

Motion to approve bill for Merrill Associates invoice #3456 in the amount of \$490.00

MOTION: Larry Belcher
SECOND: Mark Millias AIF

Motion to approve bill for Pitney Bowes for postage meter in the amount of \$200.00

MOTION: Larry Belcher

SECOND: Mark Millias AIF

Motion to approve bill for the Registry of Deeds to record new signature page of Board members for \$77.00

MOTION: Larry Belcher

SECOND: Mark Millias AIF

Meeting Minutes:

Motion to approve meeting minutes from August 18, 2016 with pending minor changes

MOTION: Larry Belcher

SECOND: Karlis Skulte AIF

Adjourn:

Motion to adjourn meeting.

MOTION: Larry Belcher

SECOND: Jonathan Soroko AIF

It was unanimously voted to adjourn the meeting at 8:30 p.m.

Respectfully submitted,

Date Approved: _____

Terri Renaud
Planning Board Secretary